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NEWS RELEASE

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Payson couple agrees to pay \$75,000 in state income tax evasion case

A Utah County husband and wife pleaded guilty to three second degree felony counts of theft by deception in connection with state income tax evasion charges. The charges were filed and the case prosecuted by the Utah County Attorney's Office.

Deborah Benson Smith, 46, and David M. Smith, 45, of Payson, agreed to pay \$75,000 in restitution and fines to the State. The order was issued by 4th District Court Judge Fred D. Howard on February 20.

The Smiths were originally charged in 2011 with five second degree felony counts of tax evasion and theft by deception.

A Utah State Tax Commission investigation showed for the tax years 2005 through 2009 the Smiths received over \$57,000 in excess income tax refunds. During those years, the Smiths fraudulently listed a larger amount than was actually withheld and would then receive a false refund.

"The defendants not only received fraudulent refunds but also evaded payment of \$6,600 in state taxes during that time period," said Charlie Roberts, Tax Commission spokesperson.

Under the plea agreement, the Smiths will not serve jail time and their convictions will be held in abeyance during the probationary period. The Smiths agreed to pay a minimum of \$1,000 monthly toward the excess refund amount.

"The Criminal Investigation Unit of the Tax Commission will continue to aggressively pursue those who intentionally violate the law and avoid paying their fair share of state taxes," Roberts said.

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